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Congress of the United States

House of Representatives

Washington, DC 20515-4320

August 19, 2010

The Honorable Julius Genachowski
Chairman
Federal Communication Commission
8-B201
445 12th Street SW
Washington, D.C. 20554

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COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMERCE, TRADE, AND
CONSUMER PROTECTION
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CHAIR OF THE CONGRESSIONAL HISPANIC
CAUCUS CIVIL RIGHTS TASK FORCE
1ST VICE CHAIR
CONGRESSIONAL HISPANIC CAUCUS
SENIOR WHIP

Dear Chairman Genachowski:

We write today to express concern about the challenges independent programming networks face in securing distribution on cable and satellite television in the current regulatory environment. We request that the FCC move forward in a pending rulemaking, MB Docket No. 07-42, to streamline the carriage complaint rules and increase their effectiveness, thereby addressing some of the problems independent programming networks face.

Consumers benefit from the choices and competition provided by independent networks. These networks contribute to the diversity of programming that enriches the nation. Regulatory policy should ensure an avenue of distribution for media entrepreneurs and other independent voices who build and operate competing national networks and add to the range of voices the public can hear.

Since 2008, the Commission has addressed a number of carriage complaints, however, in no instance did it provide "expedited" review as mandated by Congress in the 1992 Cable Act, thus underscoring the FCC's continued failure to comply with 47 USC § 536. By failing to implement the "expedited review" process, the Commission has thereby failed to secure the protections sought by Congress for independent programmers in the 1992 Cable Act. We strongly recommend the Commission act to effectuate the will of Congress without further delay.

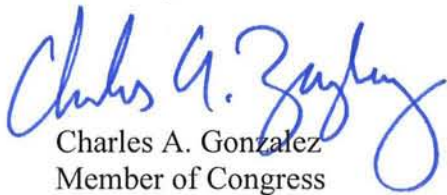
The absence of a strong, reliable complaint process has a significant impact on the marketplace. Independent programmers continue to leave the market place, partly because of the lack of a timely review of carriage complaints.

We urge you to provide more effective remedies and streamline the complaint process through MB Docket No. 07-42. Specifically, as we did in our 2008 letter to then Chairman Martin, we ask that the FCC consider adopting: a prompt and more reasonable deadline by which program carriage complaints by programmers be decided., such as a six-month "shot clock; a better defined and more reasonable definition of what constitutes discrimination, including protection against retaliation; and preservation of the status quo while the independent programmer's complaint is being adjudicated, preventing adverse re-tiering or dropping the carriage entirely.

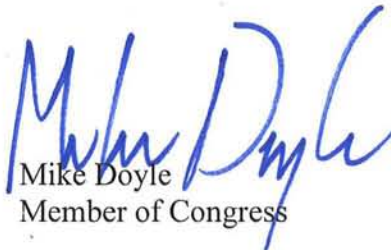
It is in the public interest to protect the few remaining independent programmers from possible discrimination. A timely procedure for addressing complaints would be a significant step toward this end.

We appreciate the Commission's attention to this matter, and urge you to move forward on MB Docket No. 07-42. Thank you in advance for your consideration of this request, and we look forward to your response. Should you have any questions or require additional information, please do not hesitate to contact our offices.

Sincerely,



Charles A. Gonzalez
Member of Congress



Mike Doyle
Member of Congress



Gene Green
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 7, 2010

The Honorable Mike Doyle
U.S. House of Representatives
401 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Doyle:

Thank you for your letter regarding the Commission's proceeding to review its regulations governing carriage agreements between independent program vendors and multichannel video programming distributors. The availability of programming from a wide and varied range of sources is important to diversity and, like you, I believe that independent programmers should have fair and reasonable access to video programming distribution systems.

I have asked the Commission's Media Bureau staff to review the record developed in the proceeding for MB Docket No. 07-42, along with the draft Report and Order circulated to the Commission prior to my tenure as Chairman, and recommend how the Commission should proceed. We will include your letter in the record of the proceeding and consider your views carefully as the Commission deliberates revisions to its program carriage rules.

I appreciate your interest in this important matter. Please let me know if I can be of any further assistance.

Sincerely,



Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 7, 2010

The Honorable Gene Green
U.S. House of Representatives
2372 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Green:

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Sincerely,

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Julius Genachowski



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 7, 2010

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U.S. House of Representatives
303 Cannon House Office Building
Washington, D.C. 20515

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Julius Genachowski